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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 HENRY YOUNG,)

8 Petitioner,)

9 v.)

10 STATE OF WASHINGTON,)

11 Respondent.)
12 _____)

CASE NO. C08-1256-JCC-JPD

ORDER DISMISSING § 2254 PETITION
WITHOUT PREJUDICE

13 The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28
14 U.S.C. § 2254, the Report and Recommendation of the Honorable James P. Donohue, United States
15 Magistrate Judge, any objections thereto, and the balance of the record, does hereby find and ORDER:

- 16 (1) The Court adopts the Report and Recommendation.
17 (2) Petitioner's § 2254 petition (Dkt. No. 4) is DISMISSED without prejudice.
18 (3) The Clerk shall send a copy of this Order to petitioner and to Judge Donohue.
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20 DATED this 14th day of October, 2008.

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23 _____
24 John C. Coughenour
25 UNITED STATES DISTRICT JUDGE
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